



STATE OF TENNESSEE
EXECUTIVE ORDER
BY THE GOVERNOR

Number 44

**AN ORDER TRANSFERRING THE BUREAU OF ALCOHOL AND DRUG
ABUSE SERVICES FROM THE DEPARTMENT OF HEALTH TO THE
DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES**

WHEREAS, it has been determined that in the interest of economy, efficiency and better coordination of the functions of state government, the Bureau of Alcohol and Drug Abuse Services should be transferred from the Department of Health to the Department of Mental Health and Developmental Disabilities; and

WHEREAS, both the Department of Health and the Department of Mental Health and Developmental Disabilities are created and established in Tennessee Code Annotated, Section 4-3-101.

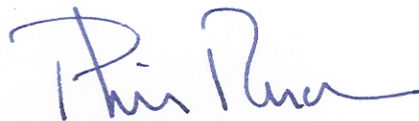
NOW THEREFORE, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and law, including Tennessee Code Annotated, Section 4-4-102, do hereby order and direct the following:

1. The Bureau of Alcohol and Drug Abuse Services ("Bureau"), is hereby transferred and made a part of the Department of Mental Health and Developmental Disabilities, effective February 23, 2007, and from and after February 23, 2007, all current functions of the Bureau of Alcohol and Drug Abuse Services, including but not limited to functions set forth in the Comprehensive Alcohol and Drug Treatment Act of 1973, codified at Tennessee Code Annotated, Title 68, Chapter 24 and functions set forth in Tennessee Code Annotated, Section 40-33-211, related to the Alcohol and Drug Addiction Treatment Fund and the Compulsive Gambling Disorder Program, shall be administered by and shall be under the control of the Commissioner of Mental Health and Developmental Disabilities. Notwithstanding the foregoing language, this transfer does not include functions related to the licensing of alcohol and drug abuse counselors, detailed in Tennessee Code Annotated, Title 68, Chapter 24, Part 6, which functions shall remain in the Department of Health.
2. The Departments of Health and Mental Health and Developmental Disabilities, in consultation with the Department of Finance and Administration, shall develop an implementation plan to effectuate the purposes of this Executive Order.
3. The Commissioner of Finance and Administration shall, with the assistance of the Department of Personnel, and after consultation with the Department of Health and the Department of Mental Health and Developmental Disabilities, cause to be transferred to the Department of Mental Health and Developmental Disabilities any filled or unfilled, authorized and funded positions assigned to the Bureau of Alcohol and Drug Abuse Services together with other employees of or positions of the Department of Health that provide support services to the Bureau of

Alcohol and Drug Services. The Commissioner of Finance and Administration shall begin the process of transferring the aforesaid positions and employees immediately and shall complete the process in due time.

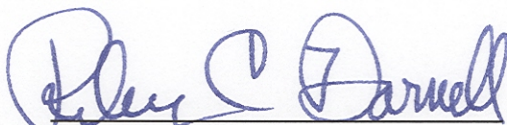
4. The Commissioner of Finance and Administration shall on or before July 1, 2007, transfer to the Department of Mental Health and Developmental Disabilities from the Department of Health all appropriations and other revenues budgeted for the operation of the Bureau, including appropriations for all support services to the Bureau. The Department of Finance and Administration shall revise the budgets of both Departments to reflect the effect of this Executive Order.
5. All personal property, equipment, space and other materials and supplies made available to the Department of Health for use by the Bureau shall be transferred to the custody of the Department of Mental Health and Developmental Disabilities.
6. On and after February 23, 2007, the Department of Mental Health and Developmental Disabilities, through the Commissioner, shall have the authority to receive, administer and supervise any and all grants and funds from whatever source, including but not limited to the federal, state, county and municipal governments, with respect to the programs or functions of the Bureau herein transferred to the Department of Mental Health and Developmental Disabilities.
7. All contractual agreements, including but not limited to leases, entered into on or before February 23, 2007, by the Department of Health, Bureau of Alcohol and Drug Abuse Services with any entity, corporation, agency, enterprise or person with respect to any program or function transferred herein shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts in existence on February 23, 2007, to the same extent as if such contracts had originally been entered into by and between such entity, corporation, agency, enterprise or person and the Department of Mental Health and Developmental Disabilities, unless and until such contracts or leases are amended or modified by the parties thereto.
8. All rules, regulations, orders and decisions heretofore issued or promulgated by the Department of Health, Bureau of Alcohol and Drug Abuse Services shall remain in full force and effect and shall hereafter be administered and enforced by the Department of Mental Health and Developmental Disabilities. To this end, the Department of Mental Health and Developmental Disabilities, through the Commissioner, shall have the authority, consistent with the statutes and regulations pertaining to the programs and functions transferred herein, to modify or rescind orders or rules and regulations heretofore issued and to adopt, issue or promulgate new orders or rules and regulations as may be necessary for the administration of the programs or functions of the Bureau herein transferred.
9. Notwithstanding any other provision of this executive order to the contrary, the transfer to the Department of Mental Health and Developmental Disabilities of the authority to license facilities operated for the provision of alcohol and drug abuse services and the authority to promulgate or enforce, the rules and regulations pertaining thereto, shall become effective on July 1, 2007.
10. To the extent that their terms are inconsistent with the terms of this Executive Order No. 44, all previous executive orders, including but not limited to Executive Order No. 49, signed by Governor Ned McWherter on June 19, 1991, are hereby repealed.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 23rd day of February, 2007.



GOVERNOR

ATTEST:


SECRETARY OF STATE

